

**Charles J. Ha** (*Admitted pro hac vice*)

charlesha@orrick.com

**ORRICK, HERRINGTON & SUTCLIFFE LLP**

701 Fifth Avenue, Suite 5600

Seattle, WA 98104

Telephone: (206) 839-4300

Facsimile: (206) 839-4301

**Jeffery D. Hermann** (*admitted pro hac vice*)

jhermann@orrick.com

**ORRICK, HERRINGTON & SUTCLIFFE LLP**

777 S. Figueroa Street, Suite 3200

Los Angeles, CA 90017

Telephone: (213) 629-2020

Facsimile: (213) 612-2499

*Attorneys for IndyMac Venture, LLC*

*Additional counsel listed on signature page*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**INDYMAC VENTURE, LLC,**

**Plaintiff,**

**vs.**

**SEQUOIA'S CAUSEY VILLAGE  
CONDOMINIUMS LLC, an Oregon  
Limited Liability Company; ZEUS  
HOLDINGS, LLC, an Oregon Limited  
Liability Company; BRIAN SNODGRASS,  
an individual; DARCY LAPIER  
SNODGRASS, an individual; DARCY  
LAPIER SNODGRASS, trustee of the  
DARCY LAPIER SNODGRASS TRUST, a  
trust; and OTAK ARCHITECTS, INC., an  
Oregon Corporation,**

**Defendants.**

**Case No. CV09-865-HU**

**~~[PROPOSED]~~ ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

**OTAK ARCHITECTS, INC., an Oregon Corporation,**

**Cross-Claimant,**

**vs.**

**SEQUOIA'S CAUSEY VILLAGE CONDOMINIUMS LLC, an Oregon Limited Liability Company; ZEUS HOLDINGS, LLC, an Oregon Limited Liability Company; BRIAN SNODGRASS, an individual; DARCY LAPIER SNODGRASS, an individual; DARCY LAPIER SNODGRASS, trustee of the DARCY LAPIER SNODGRASS TRUST, a trust; AKS ENGINEERING AND FORESTRY, LLC, an Oregon Limited Liability Company; and BEAR ELECTRIC INC., an Oregon Corporation,**

**Cross-Defendants.**

This matter came before the Court on Plaintiff IndyMac Venture, LLC's Motion for Summary Judgment. The Court having reviewed the motion and its supporting documents and all other papers submitted by the parties and the pleadings and other documents in the Court's file and having determined that there are no disputed issues of material fact as to Plaintiff's claims against Defendant Sequoia's Causey Village Condominiums LLC or as to Defendant Sequoia's Causey Village Condominiums LLC's counterclaims against Plaintiff and Plaintiff is entitled to judgment as a matter of law as to those claims and counterclaims,

**IT IS HEREBY ORDERED THAT:**

1. Plaintiff IndyMac Venture, LLC's Motion for Summary Judgment is GRANTED.
2. The Clerk is directed to enter judgment against Defendant Sequoia's Causey Village Condominiums LLC and in favor of Plaintiff IndyMac Venture, LLC on

IndyMac Venture, LLC's First and Second Claims for Relief and on Sequoia's Causey Village Condominiums LLC's First, Second, and Third Counterclaims.

3. The Property that is the subject of this litigation shall be sold at public auction according to law, free and clear of all liens and encumbrances, junior in priority to the lien of the Trust Deed.

4. Defendant Sequoia's Causey Village Condominiums LLC is in default of its obligations under the Building Loan Agreement, Promissory Note, and Trust Deed.

5. Plaintiff IndyMac Venture, LLC possesses a valid lien against the Property.

6. Plaintiff IndyMac Venture, LLC possesses a valid right to foreclose on its lien.

7. The amount currently due and owing to IndyMac Venture, LLC is principal in the amount of \$14,067,539, plus interest accrued (in the amount of no less than \$2,429,376.85 as of June 14, 2010), late fees, appraisal fees, and attorneys' fees.

8. IndyMac Venture, LLC shall be allowed to credit bid the amount specified in paragraph 7 above at the public auction described in paragraph 3 above.

9. Should the sale of the Property at public auction be insufficient to repay the amount currently due and owing to IndyMac Venture, LLC, this Court will retain jurisdiction over this matter to determine the amount of the legal deficiency for which Sequoia's Causey Village Condominiums LLC is liable.

Dated this 25<sup>th</sup> day of August, 2010 at Portland, Oregon

/s/ Dennis J. Hubel

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The Honorable Dennis J. Hubel  
United States Magistrate Judge

PRESENTED BY:

ORRICK HERRINGTON & SUTCLIFFE LLP

/s/ Charles J. Ha  
Charles J. Ha (*admitted pro hac vice*)  
charlesha@orrick.com  
Paul F. Rugani (*Admitted pro hac vice*)  
prugani@orrick.com  
701 Fifth Avenue, Suite 5600  
Seattle, WA 98104  
Telephone: (206) 839-4300  
Facsimile: (206) 839-4301

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jhermann@orrick.com  
777 S. Figueroa Street, Suite 3200  
Los Angeles, CA 90017  
Telephone: (213) 629-2020  
Facsimile: (213) 612-2499

Douglas E. Goe (OSB # 812417)  
dgoe@orrick.com  
1120 NW Couch St., Suite 200  
Portland, OR 97209  
Telephone: (503) 943-4800  
Facsimile: (503) 943-4801

*Attorneys for Plaintiff IndyMac Venture, LLC*